

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**August 7, 2007**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order in joint session with the Library Trustees.

2. The Clerk calls the roll.

Board of Aldermen: Roy, Gatsas, Long, Duval, Osborne, Pinard,  
O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees: Joanne Barrett, Peter Duffy, Joseph Sullivan,  
Kevin Devine, Madeleine Roy, Jeffrey Hickock, Karen Sheehan Lord

3. Mayor Guinta advises that Peter Duffy has submitted his resignation to the Library Trustees and a motion is in order to accept the resignation with regrets.

**Ladies and Gentlemen, what is your pleasure?**

4. Mayor Guinta advises that nomination(s) are in order to fill the unexpired term of Peter Duffy; such nomination(s) to be made for a term to expire October 2013.
5. Following nomination(s), a motion is in order to close the nomination(s).
6. Unless there be a motion to suspend the rules to confirm the nomination(s), all nomination(s) made shall layover to the next meeting.
7. If there is no further business to come before the joint session, a motion is in order to adjourn.

8. Mayor Guinta calls the regular meeting of the Board to order.
9. The Clerk calls the roll.
10. Discussions relating to newly proposed project:
  - a) request of Alderman Gatsas that County Attorney Marguerite Wageling appear before the Board to provide information on the new project to administer \$680,000 in federal funding in attempting to lower the recidivism rate of sex and violent offenders in the area.
  - b) request of Alderman Lopez that Chief Jaskolka address the Board regarding this project.
11. Request of Alderman Gatsas that Superintendent Ludwell or Ms. DeFrancis attend the meeting to discuss whether or not the School District has considered placing their health insurance benefits out to bid.

### **CONSENT AGENDA**

12. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Ratify and Confirm Polls Conducted**

- A. On July 16-17, 2007 approving transfer of \$342,000 from the Special Revenue Reserve Account to the FY2008 CIP 511708 Piscataquog River Park Flood Damage – Phase 2 Project.
- B. On July 25, 2007 authorizing Planning to proceed with acceptance and expenditure of funds in the amount of \$29,000 for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.

**Accept BMA Minutes**

- C. Minutes of meetings of the Board of Mayor and Aldermen held on March 6, 2007 (two meetings); March 20, 2007 (two meetings); March 29, 2007 (one meeting); and April 3, 2007 (two meetings).  
*(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)*

**Pole Petitions—Approve under the supervision of the Department of Highways**

- D. PSNH Pole Petition #11-1163 located on Lodge Street;  
PSNH Pole Petition #11-1164 located on Union Street; and  
PSNH Pole Petition #11-1165 located on Corey Place.

**Informational – to be Received and Filed**

- E. Manchester Economic Development Office Quarterly Report for period ending June 30, 2007.
- F. Minutes of the Mayor's Utility Coordinating Committee meeting held on June 20, 2007.
- G. Minutes of the MTA Commission meeting held on May 29, 2007 and the Financial and Ridership Reports for May 2007.
- H. Communication from the State of NHDES advising that public hearings will be held regarding the State Water Pollution Control Revolving Loan Fund and State Water Pollution Control Grant Program on Thursday, August 9, 2007 in Rooms 113 & 114 of the Health and Human Services Building at 29 Hazen Drive.
- I. Communications from the State of NHDES advising of their completeness review of the standard permit application for the NEWCOR Solid Waste Recycling Facility in Manchester and requesting a hearing location in Manchester be identified.
- J. Communication from the NH State Library advising that the Madison Library has been awarded a Conservation License Plate Grant for FY07/08 in the amount of \$7,492, to be used for the School Committee Records of the Town/City of Manchester, 1824-1876.

- K.** Communication from Comcast advising of pricing changes effective September 3, 2007 for the service portion of the Standard Definition and High Definition DVR (Digital Voice Recorder) service.
- L.** Communication from Leo Pepino regarding adoption of an ordinance relating to the sex offender law.
- M.** Communication from Leo Pepino and Keith Hirschmann requesting all candidates take the Pledge Not to Raise City Taxes.

## **REFERRALS TO COMMITTEES**

### **COMMITTEE ON FINANCE**

**N. Resolutions:**

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 210107 Homeless Healthcare Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2007 CIP 214007 Southern NH Area Health Education Center Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Forty Two Thousand Dollars (\$342,000) for the 2008 CIP 511708 Piscataquog River Park Flood Damage Remediation – Phase 2 Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Dollars (\$29,000) for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- O.** Recommending that acceptance and expenditure of funds for various projects outlined below:
- |        |   |           |
|--------|---|-----------|
| 210107 | Homeless Healthcare Program                                       | \$7,000   |
| 214007 | Southern NH area Health Education Center Program                  | \$2,000   |
| 511708 | Piscataquog River Park Flood Damage Remediation – Phase 2 Project | \$342,000 |
- be granted and approved and for such purpose amending resolutions and budget authorizations have been submitted.  
*(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)*
- P.** Recommending that with regard to a petition for the release and discharge of a portion of Pine Ridge Avenue, the Board find that the subject area of the petition having never been opened, built, nor used for public travel be released and discharged pursuant to RSA 231:51.  
*(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)*
- Q.** Recommending that a petition for discontinuance of North Turner Street be referred to a Road Hearing on a date to be set by the City Clerk. The Committee further recommends since there has been no evidence that Verney Street exists, that this portion of the petition relating to North Turner Street and Verney Street be received and filed.  
*(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)*
- R.** Recommending that a request for sewer abatement at 172 W. Shore Avenue be granted and approved in the amount of \$148.50 as recommended by EPD.  
*(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)*
- S.** Advising that it has approved a request of the Highway Department for the reassignment of a “recycled” police cruiser for use by the Solid Waste Compliance Officer.  
*(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)*

- T.** Advising that it has approved a request of the Police Department to donate a 1982 Commando Ranger Personnel Carrier (SWAT) vehicle to the City of Concord Police Department.

*(Unanimous vote with the exception of Alderman O'Neil who was absent.)*

### **COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC**

- U.** Advising that it has approved a detour plan during the replacement of the Island Pond Road bridges over I-93 and further recommends that the Mayor be authorized to execute a related agreement for and on behalf of the City as enclosed herein.

*(Unanimous vote)*

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

- 13.** Nominations to be presented by Mayor Guinta, if available.
- 14.** Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
- 15.** Mayor Guinta calls the meeting back to order.

### **OTHER BUSINESS**

- 16.** Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
- 17.** Report(s) of the Committee on Lands and Buildings, if available.  
**Ladies and Gentlemen, what is your pleasure?**

18. Report(s) of the Special Committee on Riverfront Activities and Baseball, if available.  
**Ladies and Gentlemen, what is your pleasure?**
19. State Legislative update to be presented by Mayor Guinta, if available.
20. Proposed amendment to the Manchester City Charter previously submitted by Mayor Guinta providing for a new subsection (b) to Section 3.05 Tenure of Office.

“Shall the municipality approve the charter amendment reprinted below?”

### **3.05 TENURE OF OFFICE**

- (a) Effective upon the adoption of this charter there shall be no set terms for department heads, subject to the provisions of Article X, Section 10.06.
- (b) **Notwithstanding the above provision, the Board of Mayor and Aldermen may enter into an employment contract with a set term with the Airport Director. If exercised, such a contract shall also set forth the terms and conditions of employment of the Airport Director and shall be subject to the provisions of Section 3.06 of this Charter.**

**If the Board so desires, a motion is in order to refer the question to the November 6, 2007 Municipal Non-Partisan General Election.**

21. Communication from Frank Thomas, Public Works Director, on behalf of Dave Smith, MTA Executive Director, requesting relocation of two existing bus shelters (Veterans Park on Elm Northbound and Elm Street between Spring Street and Wall Street Northbound) due to recent change in bus routes.  
(*Note: Highway concurs with request.*)  
**Ladies and Gentlemen, what is your pleasure?**

22. Communication from Deputy Chief Leidemer seeking authorization that the Mayor enter into a Deputation Defense and Indemnification Agreement between the City and the Hillsborough County Sheriff.

**If the Board so desires, a motion is in order to authorize the Mayor enter into an agreement, as outlined herein, subject to the review and approval of the City Solicitor.**

23. Communication from Thomas Bowen, MWW Director, requesting that the Board approve a waiver relative to the low-income purchase restriction on Phase 2 in the unlikely event of a foreclosure on the Phase 2 portion of the development on Karatzas Avenue.

**If the Board so desires, a motion is in order to authorize the Mayor to execute such documents as may be necessary to enable the automatic removal of the affordability restriction on Phase 2 of the Karatzas Avenue development in the event of a foreclosure on said property, subject to the review and approval of the City Solicitor.**

24. Resolutions: **(A motion is in order to read by titles only.)**

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 210107 Homeless Healthcare Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2007 CIP 214007 Southern NH Area Health Education Center Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Forty Two Thousand Dollars (\$342,000) for the 2008 CIP 511708 Piscataquog River Park Flood Damage Remediation – Phase 2 Project.”

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**A motion is in order that the Resolutions pass and be Enrolled.**



## **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

- 25.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)  
(Tabled 09/05/2006)*

- 26.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)  
(Tabled 09/05/2006)*

- 27.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2<sup>nd</sup> mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.
- (Unanimous vote)  
(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)*

28. A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

*(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)*

*(Tabled 06/05/2007)*

- A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

*S/Alderman Lopez*

*(Tabled 06/05/2007)*

**(Note: additional communications from Alderman Garrity and petitions enclosed herein.)**

- 29.** Petition to discontinue a portion of Elm East Back Street  
(AKA Manhattan Lane, AKA Harry Theo Drive)  
*(Tabled at Road Hearing on July 9, 2007 pending agreement with  
abutters.)*  
**(Note: additional communications from William Theodosopoulos and  
Clifford Harris, Thomas Theodosopoulos and Michael Kapos and the  
Public Works Director.)**

**30. NEW BUSINESS**

- a) Communications
- b) Aldermen

- 31. Mayor Guinta advises that immediately following adjournment the  
Board will hold a negotiation strategy session with the Chief Negotiator  
and if there is no further business a motion is in order to adjourn.**